

MATTHEW KRUMTUM, )  
 )  
 Plaintiff, )  
 )  
 v. ) Case No.  
 )  
 STEVEN B. CRAWFORD, *et al*, )  
 )  
 Defendants. )

Defendants Steven B. Crawford (“Crawford”) and John S. Austin (“Austin”) file this Notice of Removal to remove this action from the Circuit Court for the City of Bristol, Virginia (State Court) to the United States District Court for the Western District of Virginia, at Abingdon, upon the following grounds:

- Abingdon: 965943-1

(removal statute). Consequently, this case is within the jurisdiction of this Court pursuant to 28 U.S.C. § 1331 and is removable to this Court pursuant to 28 U.S.C. § 1441 and § 1446 as an action arising under federal law.

4. A duly endorsed copy of the Complaint filed in State Court asserting a claim for deprivation of rights under The United States Constitution, 42 U.S.C. § 1983, was filed on or about March 9, 2015. A copy of the Complaint is attached hereto as Exhibit A. Plaintiff served Defendant Kathryn Maria Maybury (“Maybury”) on February 24, 2016. Plaintiff served Defendants Crawford, Jerry Allen Wolfe (“Wolfe”), Faith Esposito (“Esposito”), John Bradwell (“Bradwell”), and James Weaver (“Weaver”) on February 29, 2016. Although John S. Austin (“Austin”) and Eugene Lohman (“Lohman”) are named as Defendants on the Complaint, neither was served by the Plaintiff within 12 months of filing the Complaint as required by Va. Code § 8.01-275.1.

5. Maybury filed a demurrer on March 11, 2016, a copy of which is attached as Exhibit B. Weaver filed a Demurrer, Plea in Bar Based on Judicial Immunity, and Answer on March 18, 2016, a copy of which is attached as Exhibit C. Bradwell and Wolfe filed a Demurrer on March 18, 2016, a copy of which is attached as Exhibit D. Esposito filed a Demurrer on March 18, 2016, a copy of which is attached as Exhibit E. Crawford filed a Demurrer on March 18, 2016, a copy of which is attached as Exhibit F. Austin filed a Special Appearance Motion to Dismiss on March 18, 2016, a copy of which is attached as Exhibit G.

6. Pursuant to 28 U.S.C. § 1446(b)(2)(A), all defendants that have been served in this action have consented to removal from State Court to this Court.

7. In accordance with 28 U.S.C. § 1446(d), Crawford and Austin will promptly file a copy of this Notice of Removal with the clerk of the Circuit Court for Bristol, Virginia and give notice to plaintiff and all served parties.

WHEREFORE, Crawford and Austin move for removal pursuant to 28 U.S.C. § 1446(b).

STEVEN B. CRAWFORD and  
JOHN S. AUSTIN

By Counsel

W. Bradford Stallard  
VSB No. 28149  
PENN, STUART & ESKRIDGE  
P. O. Box 2288  
Abingdon, Virginia 24212  
Telephone: 276/628-5151  
Facsimile: 276/623-1730  
[bstallard@pennstuart.com](mailto:bstallard@pennstuart.com)

By /s/ W. Bradford Stallard  
W. Bradford Stallard

Nathaniel Dale Moore  
VSB No. 84977  
PENN, STUART & ESKRIDGE  
P. O. Box 2288  
Abingdon, Virginia 24212  
[nmoore@pennstuart.com](mailto:nmoore@pennstuart.com)

By /s/ Nathaniel Dale Moore  
Nathaniel Dale Moore

**CERTIFICATE OF SERVICE**

I hereby certify that on March 21, 2016, I mailed by United States Postal

Service the document to:

Matthew G. Krumtum, Esq.  
7324 Skillman Street, Suite 1418  
Dallas, TX 75231

Maria Katheryn Maybury  
P.O. Box 17447  
Bristol, VA 24209

Mary Russell, Esq.  
P.O. Box 1060  
Bristol, VA 24203  
*Counsel for Defendants Jerry Allen Wolfe and  
John Bradwell*

John W. Blanton, Esq.  
State of Virginia, Office of the Attorney General  
900 East Main Street  
Richmond, VA 23219  
*Counsel for Defendant James Weaver*

/s/ W. Bradford Stallard  
W. Bradford Stallard